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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/053,988	01/19/2002	Philip G. Chauvet		5169

7590 11/08/2002

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EXAMINER

CHAMBERS, MICHAEL S

ART UNIT

PAPER NUMBER

3711

DATE MAILED: 11/08/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 10/053,988	Applicant(s) CHAUDET ET AL
Examiner M. Chambers	Art Unit 3711

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on Oct 23, 2002

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 15-30 is/are pending in the applica

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from considera

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 15-30 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirem

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a)  The translation of the foreign language provisional application has been received.

15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1)  Notice of References Cited (PTO-892)

4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

5)  Notice of Informal Patent Application (PTO-152)

3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

6)  Other: \_\_\_\_\_

This Office Action is a response to the Application filed on:

Number	Name	Date	Claims	Independent Claims
10053988	Chauvet et al	1/19/02	14	1

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 15, 22, 23, 28 are rejected under 35 U.S.C. 102(b) as being anticipated by DIY. DIY discloses an inflatable basketball goal, an annular member having a central opening with a plurality of leg members (figure B, paragraph with fig b noted). The device of DIY is disclosed as being a basketball goal.

As to claim 22: DIY discloses a free standing goal (figure B).

As to claim 23: DIY discloses a goal capable of floating on water (figure B).

As to claim 28: DIY discloses a ball (paragraph to left of figure B).

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as obvious over DIY in view of Official Notice. DIY does not disclose the use of a net. Nets are well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed a net with the device of DIY in order for the players to more easily see and shoot at the goal.

Claims 17-20, 29,30 are rejected under 35 U.S.C. 103(a) as being unpatentable over DIY

in view of Caruso. DIY discloses the elements in claim 17. However DIY fails to clearly disclose an outer casing. Caruso discloses an outer casing (14 ). It would have been obvious to one of ordinary skill in the art to have employed the casing of Caruso with the apparatus of DIY in order to better protect the inflatable goal.

As to claim 18: No criticality is seen in the number of leg members. One of ordinary skill in the art would have selected an appropriate number of legs to properly support the goal.

As to claim 19: No criticality is seen in the arched leg members. One of ordinary skill in the art would have selected an appropriate angle to attach the legs to properly support the goal.

As to claim 20: No criticality is seen in the slots. One of ordinary skill in the art would have selected any one of several equivalent means for allowing insertion of the framework.

As to claim 29: No criticality is seen in the length of the leg members. One of ordinary skill in the art would have selected an appropriate sized leg to properly support the goal.

As to claim 30: No criticality is seen in the hole dimension. One of ordinary skill in the art would have selected an appropriate sized hole to permit passage of a ball.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over DIY in view of Johnson. DIY discloses the elements in claim 12. However DIY fails to clearly disclose flaps for anchoring the sport's goal. Johnson discloses flaps for anchoring the sport's goal (28). It would have been obvious to one of ordinary skill in the art to have employed the flaps of Johnson with the apparatus of DIY in order to better secure the inflatable goal.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as obvious over DIY in view of Official Notice. DIY does not clearly disclose the use of ballast. The use of sand/water ballast is

well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed ballast with the device of DIY in order prevent the goal from being blown away.

Claim 27 is rejected under 35 U.S.C. 103(a) as obvious over DIY in view of Official Notice. DIY does not clearly disclose the use of a valve means. Valves are well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to have employed valve means with the device of DIY in order easily move the device.

***Allowable Subject Matter***

2. The following claims have been drafted by the examiner and considered to distinguish patentably over the art of record in this application, presented to applicant for consideration:

Claim 31. A sports goal comprising:

an inflatable goal structure comprising an annular member having a central opening to allow passage therethrough of a ball, and a plurality of leg members supporting said annular member in a horizontal position;

wherein said goal structure comprises a plurality of tubes formed of non-elastic material each containing an inflatable bladder with valve means for facilitating inflation and deflation of said structure;

wherein said leg members are provided with slots to allow insertion of said bladders into said tubes; wherein said leg members are approximately eight feet tall.

- 32) The sports goal of Claim 31 wherein: said goal is capable of standing on water.
- 33) The sports goal of Claim 31 further comprising: a net encircling the interior of said annular member and extending downwardly therefrom. ---
- 34) The sports goal of Claim 31 further comprising: ballast means attached to said leg members to aid in maintaining said goal in an upright position.
- 35) The sports goal of Claim 34 further comprising: said ballast member comprises a bag filled with material at least as heavy as water.
- 36) The sports goal of Claim 31 further comprising: a plurality of flaps projecting from said leg members to receive means for anchoring said goal in a desired position.
- 37) The sports goal of Claim 31 further comprising four leg members.

*Response to Arguments*

3. Applicant's arguments filed 10/28/02 have been fully considered but they are not device is a sport's goal for playing basketball. The figure shows an annular goal which would have an opening in the horizontal plane.

Since the applicant is a pro se, the examiner has formulated two claims which should not read on the prior art. If these claims are satisfactory, the applicant should submit a signed response which cancels claims 15-30 and adds the proposed claims.

*Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and relied upon.

Patent Number	Date	Patent Name	Notes
5546707	8/20/96	Caruso	prior office action
5865693	2/2/99	Johnson	prior office action
NPL	12/99	DIA	prior office action

*NOTE: 1) If Applicant believes they have not received all of the cited references noted in this office action, they should call the examiner listed below within one (1) week of receiving this notice in order to obtain duplicate material and reset the time frame of this office action. If the applicant fails to request additional materials in a timely manner, the requested materials will be resent, but the applicant will have to obtain a time extension in the normal fashion.*

*2) Unless claims are noted on the office action summary page and this document as allowable, all claims are rejected. If a typing error creates a some confusion, the examiner apologizes for the error and requests the examiner be contacted to resolve the question.*  
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Chambers whose telephone number is (703) 306-5516. The examiner can normally be reached on Mon.-Fri. from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Sewell, can be reached on (703) 308-2126. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9302--After final fax number-- (703) 872-9303. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1078.

  
Paul T. Sewell  
Supervisory Patent Examiner  
Group 3700